

REMARKS

[0005] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. The status of the claims is as follows:

- Claims 1, 4-17, and 20-47 are currently pending
- Claims 7, 12, 14, 28, 29, 42, 43, and 45-47 are canceled herein
- Claims 1, 8, 9, 13, 17, 25, 31, 34, 38, 39, and 44 are amended herein

Support for the amended claims may be found at least in canceled claims 7, 12, 14, 28, and 29 and in the Specification on page 11, lines 9-18, page 18, lines 8-13, and on page 36, section 2.1, paragraph 2.

Cited Documents

[0006] The following documents have been applied to reject one or more claims of the Application:

- Graupner: Graupner et al, U.S. Patent No. 7,035,930
- Abu El Ata: Abu El Ata, U.S. Patent No. 6,311,144

Claims 1, 4-17, and 20-47 Are Non-Obvious Over Graupner in view of Abu El Ata

[0007] Claims 1, 4-17, and 20-47 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Graupner in view of Abu El Ata. In response, Applicant

has amended the claims to overcome the Examiner's rejections.

Independent Claim 1

[0008] As amended, claim 1 recites in part:

wherein the system definition model includes constraints that must be satisfied by the environment in order for the system to be run on the one or more computing devices, and wherein the other system definition model includes other constraints that must be satisfied by the system in order for the system to be run on the one or more computing devices

[0009] The amended language of claim 1 is similar to that previously recited in now-canceled claim 14. In rejecting claim 14, the Examiner cited a passage from Graupner which describes an affinity-repulsion matrix to indicate which services can not be implemented on which nodes. The affinity repulsion matrix, however, is neither a model for an application or an environment, but rather a document used by a mapping tool. Thus, the affinity-repulsion matrix neither teaches nor suggests the system definition models recited by previous claim 14 and amended claim 1.

[0010] The cited references, particularly Graupner, also disclose that service models may be associated with demand attributes and server models may be associated with capacity attributes (see Figure 1). These attributes, however, are not described as being "constraints that must be satisfied ... in order for the system to be run on the one or more computing devices". Rather, they are simply inputs taken into account by a mapping algorithm.

[0011] Consequently, the cited references do not teach or suggest all of the elements and features of this claim. Accordingly, Applicant respectfully requests that the rejection of this claim be withdrawn.

Dependent Claims 4-16 and 44

[0012] Claims 7, 12, and 14 are canceled, thus obviating their rejections.

[0013] Claims 4-6, 8-11, 13, 15, 16, and 44 ultimately depend from independent claim 1. As discussed above, claim 1 is patentable over the cited documents. Therefore, claims 4-6, 8-11, 13, 15, 16, and 44 are also patentable over the cited documents of record for at least their dependency from a patentable base claim. These claims may also be patentable for the additional features that each recites.

Independent Claim 17

[0014] Amended claim 17 recites in part:

use a system definition model in a development phase of a system to design the system, ***wherein the system is an application, the system definition model includes a representation of an environment in which the application is to be deployed, and the using includes binding the application to the representation in the system definition model***

[0015] The amended recitations of claim 17 were not recited among the previous claims, and therefore have not been previously rejected. Accordingly, the Examiner's rejection of claim 17 is moot in view of the claim amendments.

[0016] Further, the references cited by the Examiner do not mention that “the system definition model includes a representation of an environment in which the application is to be deployed.” The service models of Graupner – which the Examiner equates to the claimed system definition model – only include demand attributes that must be met by a server to which the service is deployed. Even assuming for the sake of argument that the server of Graupner equates to the claimed “environment” (a point Applicant does not concede), nothing in the cited references suggests a system definition model that includes a *representation* of such an environment.

[0017] Additionally, the cited references do not teach or suggest “using includes binding the application to the representation in the system definition model.” The references do not describe any binding of an application, much less binding an application to a *representation* that is in a system definition model.

[0018] Consequently, the cited references do not teach or suggest all of the elements and features of this claim. Accordingly, Applicant respectfully requests that the rejection of this claim be withdrawn.

Dependent Claims 20-24

[0019] Claims 20-24 ultimately depend from independent claim 17. As discussed above, claim 17 is patentable over the cited documents. Therefore, claims 20-24 are also patentable over the cited documents of record for at least their dependency from a patentable base claim. These claims may also be patentable for the additional features that each recites.

Independent Claim 25

[0020] Amended claim 25 recites in part:

means operable by the processor for using a system definition model in a development phase of a system to design the system, wherein the system is an application, ***wherein the using comprises including, in the system definition model, constraints that must be satisfied by an environment in order for the system to be run in the environment***

...

means operable by the processor for validating that the constraints are satisfied during the design, deployment, and management of the system

[0021] The means for validating recited by amended claim 25 were not recited among the previous claims, and therefore have not been previously rejected. Accordingly, the Examiner's rejection of claim 25 is moot in view of the claim amendments.

[0022] Further, the cited references only discuss checking whether attributes are met during a mapping operation – the mapping of services to servers and visa-versa, as described in Graupner – and do not teach or suggest validated whether constraints are satisfied *during the design, deployment and management of the system*. As claimed in amended claim 25, the validating is an ongoing process that begins during the design of an application. The cited references do not describe any validation of constraints during the design of the system. And even assuming for the sake of argument that the mapping of services prior to their deployment suggests “validating that the constraints are satisfied during the ... deployment ... of the system” (a point which Applicant does

not concede), the references still fail to teach or suggest validating during design and management.

[0023] Consequently, the cited references do not teach or suggest all of the elements and features of this claim. Accordingly, Applicant respectfully requests that the rejection of this claim be withdrawn.

Dependent Claims 26-30

[0024] Claims 28 and 29 are canceled, thus obviating their rejections.

[0025] Claims 26, 27, and 30 ultimately depend from independent claim 25. As discussed above, claim 25 is patentable over the cited documents. Therefore, claims 26, 27, and 30 are also patentable over the cited documents of record for at least their dependency from an a patentable base claim. These claims may also be patentable for the additional features that each recites.

Independent Claim 31

[0026] Claim 31 recites features similar to those discussed above with regard to claim 17. Accordingly, for at least the same reasons, claim 31 is patentable over the cited references.

Dependent Claims 32-41

[0027] Claims 32-41 ultimately depend from independent claim 31. As discussed above, claim 31 is patentable over the cited documents. Therefore, claims 32-41 are

also patentable over the cited documents of record for at least their dependency from an a patentable base claim. These claims may also be patentable for the additional features that each recites.

Claims 42, 43, and 45-47

[0028] These claims are canceled, thus obviating their rejections.

Conclusion

[0029] Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the Examiner is urged to contact the undersigned representative for the Applicant before issuing a subsequent Action.

Respectfully Submitted,

Lee & Hayes, PLLC
Representative for Applicant

/Robert C. Peck/ _____ Dated: 6/17/2009 _____

Robert C. Peck(robpe@leehayes.com; 206-876-6019)

Registration No. 56826

Reviewer/Supervisor: Robert L. Villhard (bob@leehayes.com; 509-324-9256 x5005)

Registration No. 53725